

EXHIBIT 23

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

- - -

IN RE: ETHICON, INC.	:	MDL NO. 2327
PELVIC REPAIR SYSTEM,	:	
PRODUCTS LIABILITY LITIGATION	:	JOSEPH R. GOODWIN
	:	U.S. DISTRICT
	:	JUDGE

THIS DOCUMENT RELATES TO
ALL CASES

IN THE DISTRICT COURT OF BEXAR COUNTY, TEXAS

- - -

JENNIFER RAMIREZ f/k/a JENNIFER:	:	
GALINDO,	:	
	:	CIVIL ACTION NO.:
Plaintiff,	:	
	:	2012-CI-19690
vs.	:	
	:	
CESAR REYES, JOHNSON & JOHNSON	:	
and ETHICON, INC.,	:	
	:	
Defendants.	:	

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VIDEOTAPED DEPOSITION OF ERIC ROVNER, M.D.

August 26, 2014

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<p>1 What did you teach there?</p> <p>2 A I was a urologist, assistant professor of</p> <p>3 urology, and with a dual appointment in radiology.</p> <p>4 Q And also the same at -- at Medical</p> <p>5 University?</p> <p>6 A So Medical University I'm currently</p> <p>7 professor of urology.</p> <p>8 Q And do you also keep a private clinical</p> <p>9 practice?</p> <p>10 A Employed fully by the Medical University</p> <p>11 of South Carolina.</p> <p>12 Q Okay. And so do you teach or do you see</p> <p>13 patients?</p> <p>14 A I teach and I see patients.</p> <p>15 Q Okay. And, Doctor, what percentage of</p> <p>16 your -- of your practice is seeing patients versus</p> <p>17 being in the classroom and teaching?</p> <p>18 A Ninety-five percent of my practice is in</p> <p>19 conjunction with teaching residents and fellows.</p> <p>20 Q And, if you would, could you just briefly</p> <p>21 describe what your clinical practice involves?</p> <p>22 A My clinical practice is female urology,</p> <p>23 urodynamics, reconstructive urology.</p> <p>24 Q And are you board certified by any</p> <p>25 specialty?</p>	<p>1 A I am currently the president.</p> <p>2 Q And when is your term -- or when did it</p> <p>3 start, when does it end?</p> <p>4 A It started in March and it's two years.</p> <p>5 Q March of 2014?</p> <p>6 A Yes.</p> <p>7 Q And have you ever held any officer</p> <p>8 position with the International Continence Society?</p> <p>9 A No.</p> <p>10 Q And what about AUA?</p> <p>11 A I've held a variety of positions within</p> <p>12 AUA at lower levels.</p> <p>13 Q And AUA and ICS and SUFU, I gather, are</p> <p>14 generally a collection of healthcare professionals</p> <p>15 that specialize in urology and female --</p> <p>16 A Related areas. Not necessarily urology,</p> <p>17 but yes, those general areas.</p> <p>18 Q And, Doctor, I gather, in your medical</p> <p>19 practice, you've had occasion to -- to do pelvic</p> <p>20 surgery?</p> <p>21 A Yes.</p> <p>22 Q And you have experience doing</p> <p>23 implantation of synthetic polypropylene mesh?</p> <p>24 A Yes.</p> <p>25 Q All right. And tell, if you would, sir,</p>
Page 27	Page 29
<p>1 A I'm board certified by Urology, American</p> <p>2 Board of Urology, as well as Female Pelvic Medicine</p> <p>3 and Reconstructive Surgery, which is a new board as</p> <p>4 of last -- as of two years ago.</p> <p>5 Q Yes, sir. So you got that in 2013?</p> <p>6 A It would -- the first year would have</p> <p>7 been, yeah, 2013.</p> <p>8 Q All right. And when did you receive your</p> <p>9 board certification in urology?</p> <p>10 A '99.</p> <p>11 Q Okay. And, Dr. Rovner, are you a member</p> <p>12 of -- I guess we've talked a little bit about SUFU,</p> <p>13 but can you tell me all the professional societies</p> <p>14 of which you are a member?</p> <p>15 A AUA, American Urologic Association, ICS,</p> <p>16 International Continence Society, SUFU.</p> <p>17 I'll have to get you the rest of them.</p> <p>18 I've got a list and --</p> <p>19 Q Yes, sir.</p> <p>20 A -- I'll get you the rest of them.</p> <p>21 Q And you're active in all three of those</p> <p>22 organizations?</p> <p>23 A Yes.</p> <p>24 Q And are you or have you ever been an</p> <p>25 officer of SUFU?</p>	<p>1 when you got your training and how long you've been</p> <p>2 doing that kind of surgery.</p> <p>3 A Been doing that surgery since the early</p> <p>4 2000s. Been trained in female pelvic surgery</p> <p>5 through residency and fellowship, but specific to</p> <p>6 mesh, probably the early 2000s.</p> <p>7 Q And you do pelvic organ prolapse</p> <p>8 surgeries?</p> <p>9 A Yes.</p> <p>10 Q And do you do sling surgeries for stress</p> <p>11 urinary incontinence?</p> <p>12 A Yes.</p> <p>13 Q In your judgment, Dr. Rovner, how many</p> <p>14 POP surgeries have you performed in your life?</p> <p>15 A Of any variety, on the order of -- in</p> <p>16 excess of a thousand.</p> <p>17 Q And make sure I'm asking you the right</p> <p>18 question.</p> <p>19 How many -- is that the number of</p> <p>20 synthetic mesh pelvic organ prolapse procedures</p> <p>21 you've performed?</p> <p>22 A No. That's the number of total prolapse</p> <p>23 procedures I've performed.</p> <p>24 Q Okay. So I asked a bad question. I</p> <p>25 apologize.</p>

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<p style="text-align: right;">Page 46</p> <p>1 them are spinal.</p> <p>2 Q And obviously any time anybody goes under</p> <p>3 general anesthesia, there's risks of -- of that</p> <p>4 process, is there not?</p> <p>5 A Yes.</p> <p>6 Q You said you'd done hundreds of</p> <p>7 procedures, Doctor, and you've done hundreds of</p> <p>8 revisions.</p> <p>9 And my question to you is, do you have a</p> <p>10 judgment whether or not you've actually implanted</p> <p>11 more or explanted more synthetic mesh products?</p> <p>12 A Recently, I've explanted more than I've</p> <p>13 implanted.</p> <p>14 Q And do you have a judgment why that is,</p> <p>15 sir?</p> <p>16 A My practice is a very tertiary care</p> <p>17 referral practice.</p> <p>18 Q And what that means is other doctors who</p> <p>19 are not as specialized as you send their</p> <p>20 complicated patients to you?</p> <p>21 A Yes.</p> <p>22 Q Because of your expertise?</p> <p>23 A Yes.</p> <p>24 Q All right. And can you give me a</p> <p>25 judgment how much more explanting you're doing than</p>	<p style="text-align: right;">Page 48</p> <p>1 BY MR. FREESE:</p> <p>2 Q All right. And -- and what is the range</p> <p>3 of -- of -- like what's the most you've ever seen</p> <p>4 of a woman that has needed multiple surgeries to</p> <p>5 revise a complication from a synthetic mesh?</p> <p>6 MS. DOWNS: Object to the form.</p> <p>7 BY MR. FREESE:</p> <p>8 Q You may answer.</p> <p>9 A That I've done myself?</p> <p>10 Q Yes, sir.</p> <p>11 A Or that I've had to revise? Probably</p> <p>12 two.</p> <p>13 Q Okay. And what about what you know</p> <p>14 about?</p> <p>15 A I've had patients who have had five or</p> <p>16 six surgeries.</p> <p>17 Q And, Doctor, when a woman is having five</p> <p>18 or six revision surgeries, what is it that's trying</p> <p>19 to be accomplished? Is it trying to get mesh that</p> <p>20 they couldn't -- that couldn't be gotten out the</p> <p>21 third and fourth time or --</p> <p>22 I'm just trying to find out what's the</p> <p>23 reason or what is the medical purpose of a fifth or</p> <p>24 sixth surgery.</p> <p>25 MS. DOWNS: Object to the form. It's not</p>
<p style="text-align: right;">Page 47</p> <p>1 implanting?</p> <p>2 A At this point, it's probably 60 or</p> <p>3 70 percent more revision surgery, which includes</p> <p>4 mesh products but a variety of other redo-type</p> <p>5 surgeries. The number of virginal, nonoperative,</p> <p>6 not previously-operated on cases that I see is</p> <p>7 shrinking.</p> <p>8 Q And I apologize. I'm not sure I</p> <p>9 understood that answer. So what exactly is</p> <p>10 shrinking?</p> <p>11 A The number of patients that are not redo</p> <p>12 cases. So I am seeing more and more redo surgeries</p> <p>13 having to do with mesh or other surgical problems</p> <p>14 or complicated problems.</p> <p>15 Q Got it. Thank you, sir. And, Doctor, do</p> <p>16 you ever have occasion, either where -- where</p> <p>17 you're doing the first revision or is that -- well,</p> <p>18 that's a bad question.</p> <p>19 What I'm trying to find out, Doctor, is</p> <p>20 have you seen women who are needing two and three</p> <p>21 or more revision surgeries because of the</p> <p>22 complications from the synthetic mesh?</p> <p>23 A Yes.</p> <p>24 MS. DOWNS: Object to the form.</p> <p>25</p>	<p style="text-align: right;">Page 49</p> <p>1 specifying the products or surgery.</p> <p>2 BY MR. FREESE:</p> <p>3 Q You may answer.</p> <p>4 A So it really depends on the reason</p> <p>5 they're in to see me. So some of it could be</p> <p>6 voiding dysfunction, some of it could be mesh</p> <p>7 incompletely revised or incompletely removed. A</p> <p>8 variety -- it really runs the spectrum.</p> <p>9 Q Okay. And when you said that you've seen</p> <p>10 the multiple surgeries, have you experienced that</p> <p>11 both with POP products and SUI midurethral slings?</p> <p>12 A I have experience with both.</p> <p>13 Q Doctor, have you ever been a key opinion</p> <p>14 leader for any mesh manufacturer?</p> <p>15 A I don't think so.</p> <p>16 Q Okay. I know that you said you were --</p> <p>17 you used more AMS products than any other that you</p> <p>18 recalled.</p> <p>19 Have you ever been a -- a preceptor or --</p> <p>20 for AMS?</p> <p>21 A I did teach an AMS course several years</p> <p>22 ago. You guys can probably find that out pretty</p> <p>23 easily what the date is, but I don't remember. It</p> <p>24 was several years ago.</p> <p>25 Q All right.</p>

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<p>1 Q Sure. And -- but my question is has any</p> <p>2 SUFU member actually come up to you as president of</p> <p>3 SUFU and said: I don't do mesh procedures anymore</p> <p>4 because I've seen these lawyer ads out there?</p> <p>5 A There have been members who have come up</p> <p>6 to me, in fact, a large number, who do considerably</p> <p>7 less and are much more wary.</p> <p>8 In fact, that would be a vast majority of</p> <p>9 the members of our society.</p> <p>10 Q Okay. And I -- I gather you have -- you</p> <p>11 have no -- you have no dispute with patients who</p> <p>12 are wary of surgical procedures?</p> <p>13 A Oh, I have no dispute whatsoever.</p> <p>14 Q And if a -- if a patient is going to have</p> <p>15 a -- a synthetic foreign body permanently implanted</p> <p>16 in their body, they need to be fully informed of</p> <p>17 the risks and benefits of the product; would you</p> <p>18 agree with that?</p> <p>19 A I would agree with it.</p> <p>20 Q All right. Dr. Rovner, at some point you</p> <p>21 joined a task force on midurethral slings; is that</p> <p>22 right?</p> <p>23 A Yes.</p> <p>24 Q If you would, I'm just gonna let you tell</p> <p>25 me sort of how did that come about and when was it</p>	<p>1 Q And were you contacted because -- because</p> <p>2 you were an officer of a leading professional</p> <p>3 society of urologists?</p> <p>4 A I don't know the reason why he contacted</p> <p>5 me, but he did contact me.</p> <p>6 Q He didn't tell you why?</p> <p>7 A Well, I don't -- I don't know the</p> <p>8 specific reasons why I was chosen as opposed to the</p> <p>9 president of SUFU at the time or somebody else who</p> <p>10 was more gray haired than I. I don't know the</p> <p>11 reasons.</p> <p>12 Q All right. And you didn't ask and he</p> <p>13 didn't tell you?</p> <p>14 A No.</p> <p>15 Q All right. Who was the president of SUFU</p> <p>16 at the time?</p> <p>17 A Chris Winters.</p> <p>18 Q And also Dr. Dennis Miller was contacted;</p> <p>19 is that correct?</p> <p>20 A Yeah. I -- I -- he's part of the task</p> <p>21 force, yeah.</p> <p>22 Q Do you know Dr. Miller?</p> <p>23 A Never met him.</p> <p>24 Q Okay. You know he's a -- he's a</p> <p>25 urogynecologist in Milwaukee, Wisconsin?</p>
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<p>1 and who did you talk to.</p> <p>2 A So I was asked to join this task force --</p> <p>3 it's probably a year and a half ago -- by Charlie</p> <p>4 Nager, who was the president of AUGS at the time,</p> <p>5 give or take a few months, year and a half.</p> <p>6 Q He's the doctor in San Diego?</p> <p>7 A Yes.</p> <p>8 Q All right. And what did he tell you?</p> <p>9 A I don't remember exactly what he told me</p> <p>10 about the task force. We had subsequent</p> <p>11 conversations on e-mail and things.</p> <p>12 Q All right.</p> <p>13 A But ...</p> <p>14 Q Was this in person or by telephone or --</p> <p>15 A In -- by telephone.</p> <p>16 Q By telephone? And you knew who he was</p> <p>17 professionally?</p> <p>18 A I knew the name. I'd never met Charlie</p> <p>19 before we got together on this task force.</p> <p>20 Q Okay. And he was the president of AUGS</p> <p>21 at the time?</p> <p>22 A Yes.</p> <p>23 Q And did you hold an office at SUFU at the</p> <p>24 time he contacted you?</p> <p>25 A Yes. I was vice president of SUFU.</p>	<p>1 A Yes.</p> <p>2 Q All right. And Dr. Howard Goldman?</p> <p>3 A Yep.</p> <p>4 Q He's at the Cleveland Clinic?</p> <p>5 A Yes.</p> <p>6 Q All right. Do you know him personally?</p> <p>7 A Yes.</p> <p>8 Q Is he a member of SUFU?</p> <p>9 A Yes.</p> <p>10 Q All right. And Dr. Paul Tulikangas?</p> <p>11 A Yes.</p> <p>12 Q Did I pronounce that right?</p> <p>13 A I -- I don't know. I've never met him</p> <p>14 either.</p> <p>15 Q Okay.</p> <p>16 A I've just spoken to him on the phone.</p> <p>17 Q All right. And then yourself and then</p> <p>18 Dr. Nager?</p> <p>19 A Yes.</p> <p>20 Q So that the five of you were put on this</p> <p>21 task force?</p> <p>22 A Yes.</p> <p>23 Q And did Dr. Nager tell you what the</p> <p>24 purpose of the task force was?</p> <p>25 A Yes.</p>

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<p>1 Q And what was that, sir?</p> <p>2 A The purpose of the task force was to</p> <p>3 generate a statement from both organizations</p> <p>4 vis-a-vis the use of stress urinary incontinence</p> <p>5 surgery, specifically midurethral slings, as well</p> <p>6 as generate frequently asked questions for our</p> <p>7 patients.</p> <p>8 Q And the statement of the organization,</p> <p>9 that is from AUGS and SUFU?</p> <p>10 A What was the question?</p> <p>11 Q It's a bad question. But the task force</p> <p>12 was intended to generate a statement from both AUGS</p> <p>13 and SUFU about the use of midurethral slings?</p> <p>14 A Yes.</p> <p>15 Q All right. And who did you understand</p> <p>16 your audience for that position would state it was</p> <p>17 going to be?</p> <p>18 A Other healthcare professionals.</p> <p>19 Q Do you know whether or not any mesh</p> <p>20 manufacturer had any involvement in the creation of</p> <p>21 that task force?</p> <p>22 A I don't think a mesh manufacturer had</p> <p>23 involvement in the creation of that task force.</p> <p>24 Q Do you know whether or not any mesh</p> <p>25 manufacturer reviewed your position statement or</p>	<p>1 A Yes.</p> <p>2 Q All right. Did AUA later adopt,</p> <p>3 essentially, the statement of AUGS and SUFU?</p> <p>4 A I think they did adopt it; essentially</p> <p>5 its contents, yes.</p> <p>6 Q And did you have any involvement in that?</p> <p>7 A No.</p> <p>8 Q Okay. And we're gonna go through the</p> <p>9 position statement, but you also said there was</p> <p>10 a -- a frequently asked question document prepared?</p> <p>11 A Yes.</p> <p>12 Q And what else was prepared?</p> <p>13 A Those are the only two documents that I</p> <p>14 partook in.</p> <p>15 Q Okay. Did you realize there was -- there</p> <p>16 was some work the task force was doing on the</p> <p>17 association of synthetic mesh slings and cancer?</p> <p>18 A Yes.</p> <p>19 Q Do you remember an article by Donald</p> <p>20 Ostergard that was published earlier this year?</p> <p>21 A Yes.</p> <p>22 Q And was there some part of the task force</p> <p>23 that was trying to come up with a response to</p> <p>24 Dr. Ostergard's article?</p> <p>25 A Yes.</p>
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<p>1 edited your position statement before it was</p> <p>2 issued?</p> <p>3 A No.</p> <p>4 Q Okay. Would that have been inconsistent</p> <p>5 with what your understanding was what the task</p> <p>6 force was doing?</p> <p>7 A I -- I -- I missed the --</p> <p>8 Q Yes, sir. What I'm asking is, you said</p> <p>9 it was to generate a statement for healthcare</p> <p>10 professionals.</p> <p>11 A Yes.</p> <p>12 Q Meaning doctors --</p> <p>13 A Yes.</p> <p>14 Q -- and those who deal with these type of</p> <p>15 products.</p> <p>16 It was not intended to be for the benefit</p> <p>17 of mesh manufacturers?</p> <p>18 A That is correct.</p> <p>19 Q Okay. And, to your knowledge, no mesh</p> <p>20 manufacturer was involved in either forming that</p> <p>21 task force or editing its work product?</p> <p>22 A That is correct.</p> <p>23 Q And if there was, that would be</p> <p>24 inconsistent in your mind with what the purpose of</p> <p>25 the task force was doing?</p>	<p>1 Q Were you involved in that?</p> <p>2 A Only peripherally.</p> <p>3 Q Okay. Do I -- were you -- do you have --</p> <p>4 do some oncology work?</p> <p>5 A No.</p> <p>6 Q Okay.</p> <p>7 A God no.</p> <p>8 Q Okay.</p> <p>9 A No.</p> <p>10 Q But your sole involvement in the task</p> <p>11 force was the position statement and the frequently</p> <p>12 asked questions?</p> <p>13 A Yes. I was involved in the creation of</p> <p>14 those documents.</p> <p>15 Q And how often did that task force meet?</p> <p>16 A We actually never met in person. I've</p> <p>17 actually never met Dennis and Paul. They were on</p> <p>18 teleconferences.</p> <p>19 Q All right. And, first, did you -- did</p> <p>20 you incur any expenses being on the task force?</p> <p>21 A Other than telephone bills, probably not.</p> <p>22 Q Okay. So there was -- there was nothing</p> <p>23 for SUFU or some other organization to fund?</p> <p>24 In other words, what I'm trying to find</p> <p>25 out, Doctor, is did you send an invoice to anybody</p>

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